

AT A REGULAR MEETING OF THE CULPEPER COUNTY BOARD OF SUPERVISORS HELD IN THE BOARD ROOM, LOCATED AT 302 N. MAIN STREET, ON TUESDAY, MARCH 7, 2006.

Board Members Present: **John F. Coates, Chairman**
 Steven E. Nixon, Vice-Chairman
Larry W. Aylor
William C. Chase, Jr.
Sue D. Hansohn
Brad C. Rosenberger
Steven L. Walker

Staff Present: Frank T. Bossio, County Administrator
J. David Maddox, County Attorney
Valerie H. Lamb, Finance Director
John C. Egertson, Planning Director
Paul Howard, Director of Environmental Services
Peggy S. Crane, Deputy Clerk

CALL TO ORDER

Mr. Coates, Chairman, called the meeting to order at 10:00 a.m.

PLEDGE OF ALLEGIANCE TO THE FLAG

Mr. Aylor led the Board and audience in the Pledge Allegiance to the Flag.

RE: APPROVAL OF AGENDA - ADDITIONS AND/OR DELETIONS

Mr. Frank Bossio, County Administrator, informed the Board two additions had been made to the minutes after they had been distributed in the Board packets. He explained that language had been included on pages 3 and 8 of the February 7, 2006 morning meeting to clarify comments made by Mr. Walker.

Mr. Walker moved, seconded by Mr. Nixon, to approve the agenda as presented.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

RE: MINUTES

The minutes of the February 7, 2006 regular meetings and February 22, 2006 special called meeting were presented to the Board for approval.

Mr. Nixon moved, seconded by Mr. Walker, to approve the minutes as presented with the language clarifications.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

CONSENT AGENDA

Mr. Bossio reviewed the following Consent Agenda items with the Board:

- a. The Board will consider acceptance of and a budget amendment for the Sheriff's Office for a donation received in the amount of \$25,000 from the Virginia Sheriff's Institute.
- b. The Board will consider approving a budget amendment for the Department of Human Services for additional funds received in the area of Families First in the amount of \$1,000.
- c. The Board will consider approving budget amendments for the Department of Human Services for additional funds received for various public assistance programs in the amount of \$285,000. Federal \$152,200; State \$131,000 and local \$1,800.
- d. The Board will consider approving a grant application for the Sheriff's Office from the U.S. Department of Justice for a Gang Resistant Education and Training Grant (GREAT) in the amount of \$86,115.32. Federal \$64,435.32 and \$21,680 in-kind from vehicles usage, telephone and uniforms.
- e. The Board will consider approving a grant application for the Sheriff's Office from the Department of Criminal Justice Services for an Auto Theft Deterrent Program for a total grant of \$3,292. State funds in the amount of \$2,469 and local match of \$823 from the Sheriff's Operating budget.
- f. The Board will consider approving a grant application for the Sheriff's Office from the Virginia Tobacco Settlement Foundation in the amount of \$65,954. Funds of \$56,345 from the VTSF and local match of \$9,609 from the Sheriff's operating budget;
- g. The Board will consider approving a budget amendment for the Library for Children's Services and Programs in the amount of \$5,000.
- h. The Board will consider adopting a Resolution requesting VDOT to evaluate the current speed limit on Route 719, Mountain Run Lake Road, between Routes 633 and 641.
- i. The Board will consider authorizing the advertisement of a public hearing for the April Board meeting to enter into a Lease Agreement with Cingular Wireless to co-locate on the Rixeyville Tower.

Mr. Nixon moved, seconded by Mrs. Hansohn, to approve the Consent Agenda as presented.

Mr. Walker asked that item d. be removed from the Consent Agenda for further discussion.

Mr. Coates called for voice vote on the motion to approve items a. through c. and e. through i.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

Mr. Walker asked for additional information on item d. regarding the Department of Justice grant for gang resistant education and training. He noted it appeared be a good program and inquired whether the School System had been made aware of the amount of involvement that would be required by them.

Sheriff Lee Hart explained that a task force consisting of Mrs. Elizabeth Hutchins, School Board Chair; Mr. Nixon, Board of Supervisors; Mr. Tom Huggard, Town Council; Dan Boring, Chief of Police; and himself met last year to discuss the prevention of gang activity. He said a forum was held shortly thereafter and received a good response from the community. He stated the reason he was exploring the possibility of pursuing the Department of Justice grant was based on a study that Congressman Frank Wolf asked the F.B.I. to do in 2004 on gang activity in this area. He said there was no serious gang activity in Culpeper County at present, but he was seeking Federal funds in an effort to take a proactive approach.

Mr. Walker stated he wanted to be sure that the School System was aware of the commitment required for after-school care and making facilities available. He asked whether the two Middle Schools were the only schools involved. Sheriff Hart stated that was correct. He said if the one-year grant were approved, he would hire a person to handle the program with the understanding that only a one-year commitment would be guaranteed.

Mr. Walker stated that he wanted to highlight the grant because it was for a good program, and he wanted to ensure the School System was aware of the commitment involved.

Mr. Walker moved, seconded by Mr. Aylor, to approve item d. on the Consent Agenda.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

GENERAL COUNTY BUSINESS

DISABILITY SERVICES BOARD ANNUAL REPORT

Mr. David Scott, Chairman of the Disability Services Board, provided highlights of the 2005-06 Board's updated mission and goals. He stated that in 2005, the Disability Services Board worked with the Virginia Business Leadership Network to recognize local businesses for their efforts in making their businesses easily accessible to those with physical and/or sensory disabilities; participated in the Culpeper Health Fest of 2005; and provided support to a number of local initiatives, such as the Rappahannock-Rapidan Community Services Board

and the School Board to discuss special needs for the new high school. He stated that the triennial needs assessment identified two priorities with gaps related to (1) to the Board's mission, and (2) the Department of Rehabilitative Services' core service areas. He reported that transportation and housing for persons with sensory and physical disabilities continued to be identified as service gaps in Culpeper County. He thanked the Board for Mr. Larry Aylor's representation on the Disability Services Board.

Mr. Chase stated he served on the State Disability Services Council, and he had never seen any grant requests from Culpeper County. Mr. Scott assured him that a grant was being prepared at the present time.

Mrs. Hansohn moved, seconded by Mr. Aylor, to accept the DSB report.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

DISCUSSION OF RESOLUTION FOR SOFT COSTS FUNDING FOR THE NEW HIGH SCHOOL

Mr. Bossio stated that the resolution adopted by the School Board and transmitted by Dr. David A. Cox, Superintendent of Schools, on February 16, requested that the Board approve funds for the soft costs in the amount of \$8,945,817 in order to complete construction and furnishing of the new high school. He explained that the Board could only appropriate up to \$499,999.99, because a public hearing would be required for anything over that amount.

Mr. Bossio reviewed the spreadsheet submitted by the School Board. He said \$61.7 million had been obtained in 2005 bond issues for total project costs – \$54.2 in lease revenue bonds and \$7.5 million to be covered later by literary loan bonds. He noted that the cost of borrowing the funds was \$350,000 and it had already been paid. He pointed out that after deducting \$2.3 million for the Building in the Middle (the Annex), \$4 million for offsite costs for water and sewer, and \$2.5 for improvements to the current High School, \$52.9 million would be available for the new high school – \$47.1 million for the construction contract and \$5.8 million for soft costs.

Mr. Bossio stated that the spreadsheet showed \$5,606,000 for anticipated costs and \$1.8 million nonanticipated contingency costs. He explained that if the County had gone to referendum, the contingency costs would have been included in monies transferred to the School Board. The spreadsheet showed funds spent to date of \$1,539,817 and subtracting the \$477,000 already paid out of a separate bond issues for architects' fees, left \$1,062,817.

He said subtracting the \$1,062,817 from the \$5.8 million available for soft costs left \$868,817 not funded by bond issues. The figure did not include the \$1.8 million contingency.

Mr. Bossio recalled that Mr. Hunter Spencer, the School Project Manager, had identified \$700,000 value engineering savings to date in the contract with Shockey and applying that amount to the unfunded balance of \$868,817 left a deficit of \$168,817. He pointed out that the \$52.9 million included another \$100,000 that was promised making the approximate deficit \$68,817, not including nonanticipated contingency costs.

Mr. Bossio stated that the School Board had signed the \$47.1 million contract with Shockey, contingent upon the Board's approval at the evening public hearing to appropriate the funds. He said Dr. Cox was concerned that the soft costs would not be in place in time to begin construction and cover the necessary permit fees, utility fees, some A&E fees, and approximately \$35,000 for geotech and special inspections. He said that the School Board was requesting a quarterly total of \$603,000, but only an amount less than \$499,000 could be appropriated without a public hearing.

Mr. Chase expressed his concern regarding the public remarks made, especially by several teachers, regarding his suggestion to use standard brick versus the larger brick being proposed for the new high school in order to save money. Mr. Spencer replied that he was still investigating various types of brick and was receiving interesting results. He assured Mr. Chase that he had not discussed the matter with any teachers and he was taking the suggestion very seriously.

Mr. Walker asked Mr. Spencer whether he was still on target as far as anticipated savings were concerned and whether additional savings had identified. Mr. Spencer replied that anticipated savings had increased slightly, but he was waiting for analyses from the engineers on additional costs. He stated that he would continue to look for savings throughout the entire project and try to offset the cost of inevitable changes.

Mr. Chase expressed his concern that the \$53 million cost would be exceeded by approximately \$866,000. Mr. Bossio clarified that \$5.8 million was the amount left after deducting the construction costs of the new high school, the off site costs, the Annex, and site improvements for the current High School. He said \$6,668,817 in total soft costs shown on the School Board's spreadsheet did not include the \$1.8 million contingency, which left an unfunded balance of \$868,817. He noted that Mr. Spencer had identified approximately \$700,000 in value engineering to date, leaving a deficit of \$168,817. He recalled that the Board had approved approximately \$53 million for the new high school (\$41 million for

construction and \$11 million for soft costs) which would indicate another \$100,000 to add to the School Board's spreadsheet. He said that \$350,000 for the cost of the loan and \$477,000 provided up front to get the project moving had not yet been included in the summary of costs.

Mr. Spencer asked Mr. Bossio whether he had subtracted the money already paid out. Mr. Bossio replied that he had. Mr. Spencer noted the \$5,606,000 anticipated costs added to the \$1,539,817 paid to date and the \$1.8 million contingency would equal approximately \$8,945,817.

Mr. Chase asked what needed to be done to ensure the costs would stay within the original bond parameters. Mr. Bossio assured him that the \$47.1 million appropriation for the construction contract was well within the \$53 million bond parameters. He said that the Board would need to appropriate something less than \$500,000 for soft costs to get the project started.

Mrs. Hansohn moved, seconded by Mr. Rosenberger, to fund the maximum allowed of \$499,999 to move forward with the soft costs.

Mr. Walker thanked Mr. Spencer for continuing to look for cost savings that could be done without jeopardizing the quality of the high school. He believed the cost could be kept under the original number of \$53 million.

Mr. Spencer expressed his concern regarding the contingency part of the budget. He said contingencies were hard to predict, and he was especially concerned regarding the soils work. He pointed out that the project had an allowance of 20,000 yards worth of earth material that the contractor would bring onsite to replace bad soils, and the subcontractor thought they might be as much as 40,000 yards short, which would require an \$800,000 change order. He said his concern was that he would not be able to react quickly without having a contingent budget because of the lengthy approval process. He noted that the contract contained a substantial liquidated damages clause and the contractor would not allow a lengthy delay.

Mr. Spencer requested that the Board provide a contingent budget to allow him to move quickly to address any problems and additional costs without delay to the contractor.

Mrs. Hansohn questioned whether the soil work was a part of the Shockley contract. Mr. Spencer replied that the soil work was a part of the contract and the contractor had received the same soil tests as the County received, but he would not know for certain the types of soil until earth was opened. He stated that soils were "unforeseen conditions" in construction contracts.

Mrs. Hansohn pointed out that if the Board approved the \$47.1 million appropriation at the evening meeting that amount would be available to work with up front. She asked when the contractor would be able to determine the actual soil conditions of the site. Mr. Spencer said the contractor would be putting equipment on the job this week and preconstruction meetings would begin next week.

Mr. Nixon pointed out that with the anticipated \$700,000 in savings agreed to by the contractor, the anticipated \$47.1 million to be appropriated this evening, and if the \$499,999 for soft costs were approved today, that would be enough money to work with in the short term. He said that if an unanticipated cost overrun were to occur, he anticipated that Mr. Spencer would come before the Board and request an additional appropriation to cover that contingency. Mr. Spencer assured him that he would do so, but he wanted the Board to be aware that unforeseen conditions may occur that would entail additional costs.

Mr. Chase asked how much liquidated damages were collected from the delays in finishing the Annex. Mr. Spencer replied that they had not settled upon a figure as yet, but liquidated damages were included in that contract.

Mr. Chase stated that the liquidated damaged could be applied to the cost of the new high school. Mr. Spencer replied they may have to be applied toward the shortcomings in the Annex because there had been a lot of surprises in that project.

Mr. Bossio asked Mr. Spencer to keep records of those unanticipated costs that would cause delays and present the documentation to the Board and request for an additional appropriation. Mr. Spencer stated he wanted the Board's assurance because there would be times when he would enter into agreement with money that had not been appropriated for a particular purpose which needed to be done immediately due to time constraints.

Mr. Coates thanked Mr. Spencer for being up front regarding the anticipated soil problem. He told him the Board could have a special called meeting if necessary.

Mr. David Maddox, County Attorney, pointed out that the Board might be able to meet in an emergency situation in a shorter term, but he would have to check on the requirements to be sure.

Mr. Chase asked Mr. Spencer to provide the Board with the amount of liquidated damages per day and total damages for the Annex project. He said he would like to know and he would like for the public to know. Mr. Spencer stated he was negotiating with the contractor for some additional work, but he would be glad to put together a synopsis of the information requested.

Mr. Walker asked whether all of the funds left over from the Floyd T. Binns had been expended. Mr. Spencer replied that he would need to get that information from Mr. Jeff Shomo, the School Finance Director.

Mr. Walker stated that he thought any liquidated damages would be applied to the next project, which was the new high school. He also stated that if the contractor encountered additional soil problems in the amount of \$800,000 at the new high school site, the savings of \$700,000 unallocated funds could be applied to that which would leave only a \$100,000 deficit. He said he agreed with Mr. Chase that the Board should see a complete breakdown on the Annex building, how that project was funded, where the monies came from, and the total cost to build. He asked for information also on any additional construction projects being done.

Mr. Spencer stated he was referring to additional items he added to the project for improvements after looking at the design and then looking at what had been done. He said one example was the window sills where the architect decided to put in sheet rock in an effort to save money, but a wooden stool had to be added to each.

Mr. Nixon stated that the Board should keep in mind that the County was earning interest on the \$8.9 million being requested by the School Board and if it were transferred to the School Board, that interest would be lost to the County and the taxpayer. He noted that the interest being received could be used as an offset to pay the interest on the bonding.

Mr. Spencer stated that the interest payments would only stop on the portion of money that was withdrawn and the balance would continue to collect interest.

Mr. Bossio stated he understood Mr. Nixon's question. He said if the County went to referendum and those funds were transferred to the School Board, the County would be paying interest on one side while drawing interest on the other side. He stated that he may have misled Mr. Nixon in a recent conversation, but the money stays in a particular account and draws are made against that account. He said the important part was that the \$53 million was bond money, and money over and above that amount was General Fund money, which required a public hearing to appropriate. He asked Mr. Spencer whether he would be able to manage with the \$47.1 million and the \$700,000 worth of savings in the short run. Mr. Spencer replied he was not concerned about the first few months. Mr. Bossio reminded him that he would be able to come forward to the Board with documentation and ask for additional funding in a public hearing as unforeseen conditions arose.

Mr. Aylor stated he did not have a problem with the Clerk of the Works deciding that extra work was required in the Annex building and that liquidated damages funds were used to

offset those costs, but he felt those actions should be documented and brought before the Board. He said he appreciated Mr. Spencer's catching the problem and protecting the County's investment.

Mr. Walker agreed with Mr. Aylor and thanked Mr. Spencer also.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

DISCUSSION OF RIPARIAN LANDS CONSERVATION EASEMENTS ALONG THE RAPPAHANNOCK RIVER

Mr. Bossio informed the Board that numerous discussions had taken place between the County staff and Board of Supervisors with the City of Fredericksburg regarding its desire to have a conservation easement that would belong to a third party. He recalled that the Board thought the best way to proceed would be a two-party easement between the City of Fredericksburg and Culpeper County and the other affected counties. He said there would be a hearing in Fredericksburg on Thursday, March 9, and he and several Board members planned to attend. He asked Mr. Nixon to explain his proposed alternate option.

Mr. Nixon reported that he had several conversations with Debby Girvan, a Fredericksburg City Council member, with regard to the river easement, as well as several conversations with some of the Board members. He said one of his chief objections was the third-party agreement between the Virginia Wildlife Foundation and Nature Conservancy and then the City of Fredericksburg and the several counties. He stated that no one disagreed with the need to protect the river and the riparian buffers around the river, but his biggest objection was the way the City was proceeding in order to provide that protection. He said the City would like to have a conservation easement which would lockup the land in perpetuity, which would also block the County from having utilities, water withdrawals and whatever else needed in the future. He felt that the better way to approach the situation would be for the several counties to join together and agree to pay a figure for the land, the City would take that money contributed by the counties and put that into a trust fund, and use the interest on that trust fund to pay a river steward to patrol the river and monitor it. The County would buy the land from the City and agree to the restrictions against the deed that would protect the lands and the riparian buffer. He said this would accomplish two things: (1) The taxpayers would get something for the money paid to protect the river; and (2) the County would avoid the third party intervention since it would be an agreement between the County and the City. He stated

that he had provided the Board with a draft resolution which he asked the County Attorney to prepare. He said he planned to attend the City Council meeting on March 9 and make a presentation to the City Council if the Board agreed.

Mr. Coates stated he had not had an opportunity to review the resolution and asked other Board members whether they had reviewed it. No Board member had reviewed it.

Mr. Walker stated that the concept was something he could agree with and he could convey that at the meeting in Fredericksburg on March 9. He said his concern was that the County should have public access to the river in the future for parks or open space.

Mr. Rosenberger suggested that the item be passed over in order to provide an opportunity for everybody to study it. He said he did not disagree with the concept, but he questioned where the money would come from to make a purchase of this magnitude.

Mr. Chase agreed with Mr. Rosenberger and asked who would handle the trust fund for the contemplated river steward. Mr. Nixon replied that he had some conversations with Bob Givens from Stafford County and Bob Hagen from Spotsylvania County, and they discussed the idea of forming a committee comprising the City and the several counties, and that committee would administer the trust fund and hire a steward. He said the City was trying to raise approximately \$2.7 million with the conservation easements and any County contribution toward that easement would probably generate more money that would go into the trust fund.

Mr. Chase asked what the river steward would do. Mr. Nixon replied that his understanding was the river steward would patrol the river on a regular basis and check for violations or encroachments on the land.

Mr. Chase asked for confirmation that the City of Fredericksburg would receive no money, just the protection of the river. Mr. Nixon stated that the County's contribution toward the conservation easement would go into a trust fund and the interest from that trust fund would pay for the river steward.

Mr. Rosenberger pointed out that Mr. Nixon's option would take 1250 acres off the County's tax rolls since taxes were received from conservation easements.

Mr. Bossio stated he would check with the Commissioner of the Revenue, but his understanding was that the City of Fredericksburg was not paying taxes on that land. Mrs. Terry Yowell, Commissioner of the Revenue, was in the audience and she indicated that Mr. Bossio was correct.

Mrs. Yowell stated that the land was considered government property.

Mr. Rosenberger stated he was not aware that taxes were not being paid on that property. Mr. Chase agreed and asked that be looked into because there was no reason the City should be tax exempt.

Mr. Coates stated he appreciated the work that Mr. Nixon had done, but he felt that more time was needed to review the document.

Mr. Bossio stated he would relay the Board's concerns to the City Council. Mr. Coates stated he could support Mr. Bossio's comments, but was not prepared to support Mr. Nixon's concept at the present time.

Mr. Nixon stated he was not asking the Board to approve the resolution, but to consider and discuss the concept. He said if the Board had no objection to the concept, there were a lot of details to be worked out in terms of purchase price, establishing a committee, and how the trust fund would be administered.

Mr. Coates stated there should have been more involvement by the Board. Mr. Nixon pointed out that he was seeking the Board's involvement and that was the reason he brought it forward.

Mr. Chase stated the City Council asked him to attend and he would not be speaking on behalf of the Board when he asked them what they were hoping to gain that they did not already have. He said the Sheriff's Department was already providing protection and the area had been set-aside in the Comprehensive Plan to prohibit building in the foreseeable future.

Mr. Nixon stated that another option would be for the Board to do nothing. He said the Board did not have to agree to the easement nor be a party to the easement.

Mr. Walker asked the County Attorney for his comments on whether there would be severe consequences in terms of future land use and future ability of the County to do certain things if the County did nothing and did not participate.

Mr. Maddox stated he could not answer Mr. Walker's question in its entirety, but if the County did nothing, the City of Fredericksburg would proceed and have an easement and there were pluses and minuses to that, some would be policy and not legal. He said if the County participated in the negotiation, it would be at the table and involved in decision-making regarding access to the river, etc. He added that on the other hand, if there were a dispute in the future and the Board disagreed with the City regarding access or utilities, there might be a legal battle involved. He pointed out one of the disadvantages to participating was perhaps the County might be deemed to have waived its legal right to challenge a particular action,

whereas not signing an agreement, the argument would not be present. He said there were a lot of legal questions and he did not have all of the answers at the present time.

Mr. Aylor stated that he agreed with Mr. Nixon's resolution in theory and he planned to attend the meeting in Fredericksburg. He suggested that the members of the Board reach a consensus, go to the meeting and state its objection and work out the details later.

Mrs. Hansohn suggested that if the Board were opposed to the easement, then it should go to the meeting in Fredericksburg, listen to what they had to say, state the Board's objections to the easement, and discuss alternative solutions or options. She said it was always better to have Supervisors from other counties sitting at the table and discussing the various points presented.

Mr. Chase suggested the concept be presented as part of the Board's thought process and state it was still under consideration.

Mr. Nixon reiterated that he was not asking for the Board's approval of the resolution today. He said he asked the County Attorney to draft the resolution as an example of the concept so that he could bring it forward to the Board in a public format. He stated that he planned to attend the meeting in Fredericksburg, not representing the Board, and present the idea for consideration. He noted that in his conversations with other Supervisors at the VACo meeting, they liked the idea of this concept and were going to approach their Boards as well.

Mr. Chase suggested that Mr. Nixon not use the resolution form, but just the points as a list of ideas. Mr. Nixon stated he had not planned to present a resolution to Fredericksburg nor anything from the Board of Supervisors, but just present the concept for consideration.

Mr. Coates asked the Board how it wished to proceed. Mrs. Hansohn suggested that the matter be discussed later in the day.

Mr. Coates recessed the meeting at 11:17 a.m. He called the meeting back to order at 11:38 a.m.

Mr. Coates announced that Mr. Bossio had an announcement to make.

Mr. Bossio apologized to the Board for the draft agenda being on the podium rather than the agenda the Board was working from. He said the school lease was not on the agenda the Board adopted and that would be a subject of closed session.

Mr. Coates stated the Board would move to **NEW BUSINESS** and return to the **DISCUSSION OF RIPARIAN LANDS CONSERVATION EASEMENTS ALONG THE RAPPAHANNOCK RIVER** later in the agenda.
NEW BUSINESS

COMMITTEE REPORTS

BUILDINGS & GROUNDS COMMITTEE REPORT - FEBRUARY 14, 2006

Mr. Nixon reported that the Buildings and Grounds Committee, met but there were no action items to bring forward to the full Board.

See Attachment #1 for details of meeting.

RULES COMMITTEE REPORT - FEBRUARY 14, 2006

Mr. Walker reported that the Rules Committee met and had the following action items to bring forward to the Board (1) Recommending that the Tax Exemption for Real and Personal Property Taxes Ordinance be approved for a public hearing; (2) recommending that the Communications Policy be approved as amended; (3) recommending that the Public-Private Education Facilities and Infrastructure Act of 2002 (PPEA) be approved; (4) recommending to reimburse Fill Circle Thrift in the amount of \$2,216.48; and (5) recommending approval to move forward with the Phase II of the zoning text amendments and advance the funding in the amount of \$35,000.00.

Mr. Walker stated that were currently six applications on file. He noted that all of the issues had not been solidified in the Personal Property Tax Ordinance, but the Rules Committee felt it was important to forward these six applications to the full Board with a recommendation to approve them for a public hearing.

Mr. Walker moved, seconded by Mrs. Hansohn, to approve advertising a public hearing on the six applications.

Mr. Coates asked whether there were other applications being considered. Mr. Bossio replied there was one more working its way through the process.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

Mr. Walker stated that the Rules Committee considered a Communications Policy, made several changes, and was recommending approval to the full Board.

Mr. Walker moved, seconded by Mrs. Hansohn, to approve the Communications Policy as amended.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

Mr. Walker stated that the Rules Committee considered the draft procedures for the Public-Private Education Facilities and Infrastructure Act of 2002 and was recommending approval.

Mr. Maddox recalled that the Board had adopted guidelines and procedures for Culpeper County a few months ago. He said at that time, he reported that the State Guidelines Committee was developing proposed amendments to its guidelines due to statutory amendments by the General Assembly. He stated that the current draft had incorporated all of the proposals from the Guidelines Committee, as well as changes recommended by Mr. Chris Lloyd, the McGuire Woods consultant specializing in PPEA. He noted that most of the changes were technical in nature, except the one placing a \$50,000 cap on the application fees. He explained he had recommended fees exceeding \$50,000, which the Board approved. He said he had changed the County's cap to \$50,000 and recommended that the Board approve the amended guidelines.

Mr. Walker moved, seconded Mr. Nixon, to adopt the amended PPEA guidelines.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

Mr. Walker reported that the Rules Committee discussed reimbursement of the Full Circle Thrift's tipping fees in the amount of \$2,216.48 and recommended that the Board approve the reimbursement.

Mr. Walker moved, seconded by Mrs. Hansohn, to approve the reimbursement of \$2,216.48 to Full Circle Thrift for its tipping fees.

Mr. Chase commented on the large amount of trash that would result in that amount of tipping fees. Mrs. Hansohn explained that the Full Circle Thrift could not use all of the many donations of clothing and household goods because of their condition.

Mr. Walker explained that Full Circle Thrift had donated a considerable amount of money to different areas of Human Services to help with the elderly and the poor and he estimated that those donations far exceeded the requested reimbursement in tipping fees.

Mr. Chase agreed it was a wonderful organization.

Mr. Walker stated the Rules Committee policy would be to have an organization such as this submit its request for reimbursement of tipping fees once a year, and the Committee would recommend approval or denial to the full Board.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

Mr. Walker reported that the Board had approved the hiring of an outside consultant by the Planning Department to assist in zoning text amendments to the Comprehensive Plan to be done in two phases. He stated that Phase I had been completed ahead of schedule and the Planning Department did not want to wait until July to begin Phase II. He said the Rules Committee had debated the issue and was recommending to the full Board that \$35,000 be advanced to begin Phase II.

Mr. Walker moved, seconded by Mrs. Hansohn, to approve the transfer of funds in the amount of \$35,000 to the Planning Department in order to move forward with Phase II.

Mrs. Hansohn stated she attended the Rules Committee meeting for Mr. Coates and she agreed that Phase II should move forward ahead of schedule. She noted that the work of matching the County's ordinances to the Comprehensive Plan was long overdue.

Mr. Walker asked Mr. Bossio to identify the funding source. Mr. Bossio stated that it would be an operational transfer from General Operations.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

See Attachment #2 for details of meeting.

PUBLIC WORKS COMMITTEE REPORT - FEBRUARY 14, 2006

Mrs. Hansohn reported that the Public Works Committee met and had one action item for the Board's consideration.

Mrs. Hansohn moved, seconded by Mr. Rosenberger, to appropriate \$50,000 from the General Fund for replacement of the filter at the Emerald Hill Wastewater Treatment Plant.

Mr. Walker asked for whether this treatment plan was a school facility and, if so, whether the School System appropriated funds to maintain the facility.

Mr. Howard stated that according to the contract, the School System was responsible for maintenance.

Some discussion centered around the fact that the School System was responsible for the maintenance and the funds could be transferred from the General Fund and the School System could reimburse the County.

Mrs. Hansohn amended her motion to appropriate \$50,000 from the General Fund to be reimbursed from the School Operating Fund. Mr. Rosenberger agreed to the amended

motion.

Mr. Rosenberger indicated that the amendment was fine from a bookkeeping standpoint, but there were special State funds pay to operate water and sewer plants for the schools, and the County would be charging the School System and then taking it from the taxpayers to put it back in the budget.

Mr. Coates noted that the County had no involvement in this school's sewage treatment plant when it was constructed, but because of the expertise in Mr. Howard's office, the responsibility was moved from the School to Environmental Services. Mr. Howard stated that was correct. Mr. Coates asked Mr. Howard whether there might be other problems with the system. Mr. Howard replied that he anticipated the only problem would be the one currently with the filter.

Mr. Chase commented that the filter must be extremely large to cost \$50,000. Mr. Howard explained that the filter was 4 feet in diameter by approximately 12 to 15 feet tall and it cost \$46,000, plus installation.

Mr. Walker pointed out that it was really more than a filter, it was modifying the whole system. He noted that from reading the documentation, the filter was poorly designed to begin with, but the County had no involvement in the original design. Mr. Howard agreed.

Mrs. Hansohn asked what the anticipated life was of the new filter. Mr. Howard replied it should last 20 years.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

See Attachment #3 for details of meeting.

ECONOMIC DEVELOPMENT REPORT

Mr. Bossio stated that Mr. Carl Sachs, Economic Development Director, was ill.

AIRPORT ADVISORY COMMITTEE REPORT - FEBRUARY 8, 2006

Mr. Bossio reported that Airport Advisory Committee met, and there were no action items to bring forward. He stated that the Committee had finished its design for the Airport terminal and would be applying for an appropriation of \$1.2 million Federal funds. He said they would also be investigating the availability of State funds.

ADMINISTRATOR'S REPORT

Mr. Bossio presented a resolution inviting the Honorable George F. Allen to the Opening Day Ceremony at the Community Complex for the Board's consideration.

Mrs. Hansohn moved, seconded by Mr. Walker, to approve the resolution.

Mr. Chase asked whether Congressman Cantor and other Congressional representatives had been invited. Mr. Bossio replied that Congressman Cantor was invited, as well as Governor Kaine, but neither could attend. Mr. Walker and Mr. Bossio discussed various dignitaries to invite and whether to offer accommodations.

Mr. Coates commented that staff had been working diligently on this event and everyone was invited.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

Mr. Maddox pointed out that the Board had a closed session agenda of three items and he recommended the following item be added: 4. Under *Virginia Code* §2.2-3711(A)(1), for discussion by the Board of the evaluations of the County Administrator and County Attorney.

Mrs. Hansohn moved, seconded by Mr. Nixon, that item #4 be added to the agenda.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

CLOSED SESSION

Mr. Nixon moved to enter into closed session, as permitted under the following *Virginia Code* Sections, and for the following reasons:

1. Under *Virginia Code* §2.2-3711(A)(1), to consider: (A) An appointment to the Economic Development Advisory Committee; and (B) readvertisement for an appointment to the Rappahannock Emergency Medical Services Council.
2. Under *Virginia Code* §2.2-3711(A)(3), (A)(7) and (A)(30), for discussion with legal counsel and staff regarding the negotiation of the terms of potential contracts and the acquisition of privately owned real property interests in the County, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County.
3. Under *Virginia Code* §2.2-3711(A)(7) and (A)(30), for discussion with legal counsel and staff to consider entering into one or more agreements with another public entity, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County.

4. Under *Virginia Code* §2.2-3711(A)(1), for discussion by the Board of the evaluations of the County Administrator and County Attorney.

Seconded by Mrs. Hansohn.

Mr. Coates called for voice vote on motion.

Ayes - Aylor, Coates, Hansohn, Nixon, Rosenberger, Walker

Nay – Chase

Motion carried 6 to 1.

Mr. Coates recessed the meeting at 12:10 p.m. for lunch.

The Board entered into closed session at 2:00 p.m.

The Board returned to open session at 3:45 p.m.

Mr. Coates polled the members of the Board regarding the closed session held. He asked the individual Board members to certify that to the best of their knowledge, did they certify that (1) only public business matters lawfully exempted from the open meeting requirements under Virginia Freedom of Information Act, and (2) only such public business matters as were identified in the closed session motion by which the closed meeting was convened, were heard, discussed or considered by the Board in the closed session.

Ayes – Chase, Aylor, Walker, Coates, Nixon, Rosenberger, Hansohn

RE: LEASE AGREEMENT WITH SCHOOL SYSTEM

Mr. Nixon moved, seconded by Mr. Chase, that the Board approve a lease agreement between the County and School Board for the new high school property and that the lease agreement be forwarded to the School Board along with a resolution and deed for 7.54 acres of School Board property adjacent to the County's Emergency Operation Center for consideration and approval.

Mr. Coates called for voice vote on motion.

Ayes - Aylor, Chase, Coates, Nixon, Rosenberger, Walker

Nay – Hansohn

Motion carried 6 to 1.

RE: VPDES PERMITS FOR WASTEWATER TREATMENT PLANTS

Mr. Nixon moved, seconded by Mr. Aylor, that the Board appropriate \$25,000 for permit fees and authorize staff to apply to the Department of Environmental Quality (DEQ) for VPDES permits for wastewater treatment plants.

Mr. Coates called for voice vote on motion.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

RE: APPOINTMENT TO ECONOMIC DEVELOPMENT ADVISORY COMMISSION (EDAC)

Mr. Nixon moved, seconded by Mr. Aylor, that Emily A. Koebig be appointed to serve on the EDAC.

Mr. Coates called for voice vote on motion.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

RE: READVERTISE VACANCY ON RAPPAHANNOCK EMERGENCY MEDICAL SERVICES COUNCIL (REMS)

Mr. Nixon moved, seconded by Mr. Walker, to readvertise the vacancy on the REMS Council.

Mr. Coates called for voice vote on motion.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

Mr. Coates called for a recess at 3:50 p.m. He called the meeting back to order at 4:11 p.m.

Mr. Coates announced that the Board would return to the DISCUSSION OF RIPARIAN LANDS CONSERVATION EASEMENTS ALONG THE RAPPAHANNOCK RIVER

Mr. Walker moved, seconded by Mr. Aylor, to accept the draft conceptual resolution as an alternate proposal to protect the Rappahannock and Rapidan Rivers.

Mr. Nixon noted that the public forum was scheduled for this Thursday evening in Fredericksburg and he planned to attend and present the proposal to see if there was any support from Fredericksburg City Council to the concept. He pointed out that it was a draft resolution and it was not binding in any way.

Mr. Walker said that the word "draft" was on each page and it would be a public document and available to the general public. Mr. Maddox noted that the document would not be signed as an official document adopted by the Board.

Mr. Chase questioned paragraph #2 and asked how much money would be involved.

Mr. Rosenberger said he would not support the document unless it was amended to read in paragraph 1after County of Culpeper *to explore the possibility* because he questioned where the money would come from if the City of Fredericksburg accepted the County's proposal.

There was some discussion regarding several sections in the draft resolution.

Mr. Walker suggested that the second page be eliminated.

Mr. Walker restated the motion to accept the draft conceptual resolution as an alternate proposal to protect the Rappahannock and Rapidan Rivers, add the words "*to explore the possibility of* " in paragraph 1 and to eliminate the second page. It was suggested that the heading be changed to read.... Culpeper County, Virginia Proposal to Protect the Rappahannock and Rapidan Rivers.

Mr. Rosenberger called for question.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

CLOSED SESSION

Mr. Nixon moved to reenter into closed session as permitted under the following *Virginia Code* Sections, and for the following reason: Pursuant to *Virginia Code* §2.2-3711(A)(1), for discussion by the Board of the evaluations of the County Administrator and County Attorney.

Seconded by Mr. Chase.

Mr. Coates called for voice vote on motion.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

The Board reentered into closed session at 4:30 p.m.

The Board returned to open session at 5:15 p.m.

Mr. Coates polled the members of the Board regarding the closed session held. He asked the individual Board members to certify that to the best of their knowledge, did they certify that (1) only public business matters lawfully exempted from the open meeting requirements under Virginia Freedom of Information Act, and (2) only such public business matters as were identified in the closed session motion by which the closed meeting was convened, were heard, discussed or considered by the Board in the closed session.

Ayes – Chase, Aylor, Walker, Coates, Nixon, Rosenberger, Hansohn

ADJOURNMENT

Mr. Chase moved, seconded by Mrs. Hansohn, to adjourn at 5:16 p.m.

Mr. Coates called for voice vote on motion.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

Peggy S. Crane, CMC
Deputy Clerk

John F. Coates, Chairman
Culpeper County Board of Supervisors

ATTEST:

Frank T. Bossio
Clerk to the Board